

**ERIE COUNTY LEGISLATURE  
MEETING NO. 24  
DECEMBER 3, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Savage, who offered a short remarks.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 21 and Meeting Number 22. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. DIXON presented a resolution Congratulating the South Park Sparks Football Team on Winning the State Championship, the First Buffalo Public School Football Program to Win a NYS Public High Schools Athletic Association Championship.

Item 6 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Joy Wiley McDuffie.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life and Legacy of Community Organizer Moody W. Pugh Jr.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Congratulating St. John Baptist Church on the Occasion of its 88th Anniversary.

Item 9 – MR. MILLS presented a resolution Honoring Joseph R. Wales as the Erie County Legislature's Citizen of the Month for December 2015.

MR. LORIGO moved for consideration of the above five items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above five items to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above five items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 – CHAIR MILLS directed that Local Law No. 1 (Print #5) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 13 –MR. LORIGO moved to take Local Law No. 4 (Print #2) 2015 off of the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 4-2 - 2015

LOCAL LAW – NO. \_\_\_\_\_ - 2015

A Local Law Amending the Erie County Code of Ethics

Section 1: Intent

It is the stated intent of this body to amend the Erie County Code of Ethics to reflect the highest standards of integrity and morality displayed by elected officials within the County of Erie.

To that end, several sections of the Code of Ethics are amended to ensure that all financial documents are submitted by every elected official who serves in a given year, regardless of whether they are still serving on the date the documents are due.

These changes will ensure that during the transitions of government officials the process remains transparent and taxpayers are assured that they are fairly represented by elected officials.

Section 2: Erie County Local Law number ten of nineteen hundred eighty-nine, as amended by Local Law number four of nineteen hundred ninety four, constituting the Erie County Code of Ethics, is hereby amended as follows:

Section *three-f* shall be amended to read as follows:

- 3(f). The term “officer or employee” shall mean the head or heads of any department, division, special district or other administrative unit of county government and their deputies and assistants; and such others who hold policy- making positions as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the Erie county board of ethics during the month of February. Said designation of those employees and officers as “policy making” may be challenged by the designated employees or officers upon filing a written petition in opposition to such designation within thirty days from the date of the filing of such designation with the Erie County Board of Ethics. The aforementioned Board of Ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the Board, and shall notify all interested parties within ten days of its decision. The term “officer or employee” shall also mean those individuals defined herein who shall serve or have served at any time, regardless of duration, during the calendar year for which disclosure is sought regardless of whether they are affiliated with the County at the time the request for disclosure is made.

Section *four* shall be amended to read as follows:

Financial disclosure:

Every elected official, employee, and each political party official subject to the reporting provisions of this section, shall, on or before the fifteenth day of May in each year, file with the Erie county board of ethics an annual statement of financial disclosure containing the information and in the form set forth in section seven of this local law. Such information shall relate to the calendar year immediately preceding the year of filing. Such disclosure shall be filed regardless of whether such individual is employed, a member of a Board or Commission, or otherwise affiliated with the County at the time the request for disclosure is made.

Section *eight* shall be amended to read as follows:

Annual financial disclosure statement:

Commencing with the calendar year next succeeding the calendar year in which this local law is adopted, the following form of financial disclosure shall be annually filed by all persons required to file financial disclosure statement under this local law. Such disclosure shall be filed regardless of whether such individual is employed, a member of a Board or Commission, or otherwise affiliated with the County at the time the request for disclosure is made. The form of the financial disclosure statement required under this local law of all current and former individuals required to file same shall be as determined annually by the Board of Ethics which shall maintain the authority to modify same as may be deemed necessary.

Section *nine* shall be amended to read as follows:

Penalties:

A reporting individual, as defined in sections three and four of this law, who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Erie county board of ethics. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the public officers law, the board of ethics may, in lieu of a civil penalty, refer violation to the district attorney and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is knowingly understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for failure to file or for false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The Erie county board of ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Erie county board of ethics, pursuant to article seventy-eight of the civil practice law and rules.

Section *ten-h* shall be amended to read as follows:

10(h). [The County Executive and the County Legislature will make available any support staff necessary for the Board of Ethics to carry out its duties and functions.] The County Executive shall, subject to section 19 of the Erie County Code, provide staff and supplies necessary for the ethics board to perform its stated objectives. The District Attorney shall be responsible for investigating any claims made by the board.

Section 3: Severability

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 4: Effective Date

This law becomes effective upon its filing with the Secretary of State.

Sponsored By:  
Legislator Kevin R. Hardwick

Co-Sponsored By:  
Legislator John J. Mills  
Legislator Lynne Dixon  
Legislator Joseph C. Lorigo  
Legislator Edward A. Rath III  
Legislator Ted B. Morton

*[ ] bracketed material is deleted; underlined material is to be added*

MR. LORIGO moved to reconsider Local Law No. 4 (Print #2) 2015. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve Local Law No. 4 (Print #2) 2015, to override the County Executive's veto. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MS. GRANT, MR. LOUGHRAN and MR. SAVAGE. (AYES: 8; NOES: 3)

CARRIED.

Item 14 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – MR. LORIGO moved to take Local Law No. 9 (Print #1) 2015 off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 269

LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 9-1 – 2015

LOCAL LAW – NO. \_\_\_\_\_ - 2015

A Local Law Amending the Erie County Charter to Reinstate the Charter Revision Commission

SECTION 1: Legislative Intent

This law has been written so as to reinstate the makeup of the Charter Revision Commission pursuant to Local Law No. 3 of 2006.

SECTION 2: Amending the Erie County Charter Section 2608 to read as follows:

Section 2608. Charter Revision Commission

The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission by January 15, 2016, which shall report its recommendations to the Erie County Legislature no later than May 15, 2016. The Legislature shall take action on each recommendation within sixty (60) days of their submission.

The membership of the Charter Revision Commission shall be comprised as follows:

Three (3) appointments shall be made by the Erie County Executive. One (1) appointment shall be made by the Erie County Comptroller. One (1) appointment shall be made by the Erie County Clerk. One (1) appointment shall be made by the Erie County Sheriff. One (1) appointment shall be made by the District Attorney for Erie County. Each legislative district shall have one (1) appointment made by the districts representative. And one (1) additional appointment shall be made by the Chairman of the Legislature.

The Chairman of the Erie County legislature, at the time of the establishment of the commission, shall choose one member of the Charter Revision Commission to act as Chairman of the

Commission. The Commission will then select its Vice Chairman and Secretary from amongst its members.

No member of the Commission shall hold public office, be an employee of the County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.

### SECTION 3. Severability

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

### SECTION 4. Effective Date

This law shall become effective immediately upon its signing by the County Executive.

Sponsored By:

Legislator John J. Mills

*All underlined material is to be added and all bracketed [\*] material is to be deleted*

MR. LORIGO moved to approve Local Law No. 9 (Print #1) 2015. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

### **COMMITTEE REPORTS**

None.

### **LEGISLATOR RESOLUTIONS**

Item 18 – CHAIR MILLS directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO. 24-1 from LEGISLATOR MILLER-WILLIAMS. Support for Erie Community College Consolidating Its Nursing Program at a Downtown Location.

Item 19 – CHAIR MILLS directed that the following item be received and filed.

GRANTED.

INTRO. 24-2 from LEGISLATOR MILLER-WILLIAMS. Urging Congress to Restore Funding for High Density Transportation Program in the Surface Transportation Reauthorization Act of 2015.

Item 20 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Request for Reconsideration of Recent  
ECIDA Policies  
(INTRO. 24-3)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MILLER-WILLIAMS

WHEREAS, the Elim Community Center (account number 517124) has declined to accept funding by the county in the amount of \$5,000; and

WHEREAS, the Elim Community Center serves residents of Erie County as a community and neighborhood agency and in with keeping with that theme this honorable body wishes to transfer that funding to another community organization serving the same population; and

WHEREAS, the African American Cultural Center has been actively supporting the community by providing financial and technical assistance for community groups throughout Erie County; and

WHEREAS, the need for the community and neighborhood development support the African American Cultural Center has provided to the community has increased over the past several years, the financial support for this much needed work has remained constant, causing a undue strain on the efforts of this agency to provide the necessary support for community groups looking to provide a wide range of family oriented activities for all residents of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body requests that the County Executive transfer all remaining funds from account number 517124, Elim Community Center to account number 518004, African American Cultural Center to assist them in their efforts to provide assistance to community groups throughout Erie County; and, be it further

RESOLVED, that certified copies of this resolution be sent to the director of the African American Cultural Center, Hon. Mark C. Poloncarz, County Executive and Robert W. Keating, Director of Budget and Management.

MR. LORIGO moved to amend the item. MS. DIXON seconded.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, the Elim Community Center (account number 517124) has declined to accept funding by the county in the amount of \$5,000; and

WHEREAS, the Elim Community Center serves residents of Erie County as a community and neighborhood agency in keeping with that theme this honorable body wishes to transfer that funding to another community organization providing similar activities to the same population; and

WHEREAS, the National Inner Cities Youth Opportunities, Inc (NICYO) has been actively supporting the community by providing programs and activities which enhance the quality of life and improve the economic well-being of Erie County residents; and

WHEREAS, the need for the community and neighborhood development support the NICYO has provided the community has increased over the past several years, the financial support for this much needed work has remained constant, causing a undue strain on the efforts of this agency to provide the necessary support for community groups seeking to provide a wide range of family oriented activities for all Erie County residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body requests that the County Executive transfer all remaining funds from account number 517124, Elim Community Center to the National Inner Cities Youth Opportunities, Inc to assist them in their efforts to provide economic and technical assistance to community groups in support of various community-oriented events and programs throughout Erie County; and be it further

RESOLVED, that certified copies of this resolution be sent to Hon. Mark C. Poloncarz, County Executive, Robert W. Keating, Director of Budget and Management and the National Inner Cities Youth Opportunities, Inc.

MS. GRANT moved to send the item to committee for further consideration. MR. LORIGO seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MR. HARDWICK. NOES: MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH (AYES: 4; NOES: 7)

FAILED.

MS. MILLER-WILLIAMS moved to send the item to committee for further consideration.  
MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS directed the item to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 24-4 from LEGISLATOR BURKE. Mimosa Resolution.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 22 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24E-14 from the COUNTY EXECUTIVE. Re: Appointment of the Commissioner of Parks & Recreation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 23 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24E-15 from the COUNTY EXECUTIVE. Re: Department of Emergency Services – FEMA Advancement to Bellevue Fire District

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 24 – (COMM. 24E-1) ECC North Campus - 2015 - Dry Memorial Library Roof Replacement

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 25 – (COMM. 24E-2) PILOT Agreement - Affordable Housing Project - 347 East Ferry, Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 26 – (COMM. 24E-3) Lease Agreement - Former Dog Control Property, 3789 Walden Ave, Town of Lancaster

Item 27 – (COMM. 24E-4) EC Sewer Districts - 2015 Assessment Rolls (2016 Levy)

Item 28 – (COMM. 24E-5) EC Sewer District Board of Managers Appointments

Item 29 – (COMM. 24E-6) NY Power Authority Agreement - Energy Conservation Measures - Phase I

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 30 – (COMM. 24E-7) Notice of the 2015 Revenue Anticipation Note Sales

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 24E-8) Veto Message of LL Intro. 4-2 (2015)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 32 – (COMM. 24E-9) Department of Health - Acceptance of a Performance Incentive Initiative Award

Item 33 – (COMM. 24E-10) Department of Health - Immunization Clinic - Establishment of a Change Fund

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 34 – (COMM. 24E-11) Department of Central Police Services - Air Handling System - Firearms Range

Item 35 – (COMM. 24E-12) Traffic Safety Program Grant 2016 - STOP DWI/Traffic Safety Unit

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 36 – (COMM. 24E-13) FY15 Bomb Squad Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 37 – (COMM. 24D-1) Notice Regarding County Executive's Veto of LL Intro. 4-2

Received, filed and printed.

To: Hon. Legislators  
From: Karen M. McCarthy, Clerk  
Date: November 30, 2015

Subject: Local Law Intro. 4-2 – “A Local Law Amending the Erie County Code of Ethics”

Local Law Intro. 4-2 “A Local Law Amending the Erie County Code of Ethics” was vetoed by the County Executive on November 30, 2015 and now is back on the Table.

The Legislature has 30 days to reconsider this law after the veto was presented to the Legislature on December 3, 2015.

Item 38 – (COMM. 24D-2) Documents Received Regarding Proposed 2016 Erie County Budget

Item 39 – (COMM. 24D-3) Notice of Public Hearing Regarding Proposed Transfer of Land from EC to Buffalo & EC Industrial Land Development Corporation

Item 40 – (COMM. 24D-4) Minutes of Public Hearing Regarding Assessment Rolls for 2015 for EC Sewer District Nos. 1-6 & 8

The above three items were received and filed.

Item 41 – (COMM. 24D-5) NYS DEC Documents Received

Item 42 – (COMM. 24D-6) Documents Received Regarding Requests for Agricultural District Modification and District Review

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 43 – (COMM. 24D-7) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 44 – (COMM. 24M-1) Letters of Support for Funding Levels in Proposed 2016 Erie County Budget

Received and filed.

**FROM BUFFALO NIAGARA ENTERPRISE**

Item 45 – (COMM. 24M-2) Lead Generation Campaign - October 2015 Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM VISIT BUFFALO NIAGARA**

Item 46 – (COMM. 24M-3) 3rd Quarter Report and Budget & Financial Statements for 2015

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 47 – (COMM. 24M-4) October 22, 2015 Board Minutes

Item 48 – (COMM. 24M-5) 17A Report and Capital Expenditure Reports for Second Quarter Ending March, 2016

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE WNY HEALTHCARE ASSOCIATION**

Item 49 – (COMM. 24M-6) Documents Regarding Opposition to State Legislation to Enact the Safe Staffing for Quality Care Act

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM HEALTHCARE ORGANIZATIONS

Item 50 – (COMM. 24M-7) Letter Regarding Quality Patient Care

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM TEAMSTERS LOCAL UNION 264

Item 51 – (COMM. 24M-8) Documents Regarding Sheriff's Office Holding Center Division NYS 553 Retirement Plan

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 52 – CHAIR MILLS announced a public hearing regarding the transfer of 4111 River Road, Tonawanda to the Buffalo and Erie County Industrial Land Development Corporation is scheduled for December 8, 2015 at 9:00 am.

Item 53 – CHAIR MILLS announced the Budget Override session, if necessary, is December 8, 2015 at 2:00 pm.

Item 54 – CHAIR MILLS announced the committee schedule for December 10, 2015 has been distributed.

Item 55 – CHAIR MILLS announced a public hearing regarding LL Intro. 1-5 (2015) is scheduled for December 10, 2015 at 3:00 pm.

Item 56 – CHAIR MILLS announced the next regularly scheduled legislative session is December 17, 2015.

MEMORIAL RESOLUTIONS

Item 57 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Nezha H. "Lumya" Deeb and Thomas M. Flash.

Item 58 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Philip James Nice.

ADJOURNMENT

Item 59 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, December 17, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, December 17, 2015 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**